APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,627	11/08/2001	Martin Waugh	3561-84	4871

20575 7590 09/22/2006	EXAMINER
MARGER JOHNSON & MCCOLLOM, P.C.	ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
3639	

MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND, OR 97204

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/010,627	WAUGH, MARTIN
	Examiner	**Art Unit**	
	Akiba K. Robinson-Boyce	3639	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 July 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-6,8-28,30-53,55,56 and 58*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-6, 8-28, 30-53, 55-56 and 58*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 7/25/06, the following is a non-final office action.

Claims 54 and 57 have been cancelled. Claims 1-6, 8-28, 30-53, 55-56 and 58 are

pending in this application and have been examined on the merits. Due to remarks filed

7/25/06, the previous rejection has been withdrawn, and prosecution has been re-

opened on this case. Claims 1-6, 8-28, 30-53, 55-56 and 58 are rejected as follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 9, 11, 12-14, 19-28, 31, 33, 34-36, 41-50, 53, 55, 56, 58 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US 6,182,097), and

further in view of Weinberg et al, (US 5,974,572).

As per claims 1, 23, Hansen et al discloses:

Retrieving/retrieval software to retrieve a hit record of network traffic data, (Col.

12, lines 1-2, retrieving raw hit records, w/ Col. 4, lines 33-35, shows incorporation of

Web Traffic);

Assigning/assignment software to assign the hit record to a visitor, (Col. 12, lines

9-10, distinguishing hit records according to the visit to which they belong, w/ col. 9,

lines 16-18, visitor is assigned a visitor tag to each new hit);

Recognizing/recognition software to recognize visit information for the visitor

based on the hit record, (Col. 12, lines 10-12, associating a visit index with each filtered

hit record, w/ col. 9, lines 30-32, where it is shown that when each new visitor record

data structure is created, an index number is assigned to the visit);

Storing/storing software to store the visit information for the visitor...in a

database, (Col. 12, lines 12-16, storing the filtered hit records in a data storage device,

in this case, the visit records are analogous to the filtered hit records since Hansen et al

shows that a visit index is associated with each filtered hit record, and therefore each

filtered hit record is specifically related to a visit. In addition, Hansen's method is related

to building a database of information about visits as shown in col. 11, lines 28-29,

therefore the step of storing in a storage device leads to the formation of the database

structure).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to store the visit information in a database with the motivation of

providing a quick and efficient method to access network usage information.

Hansen et al does not specifically disclose retrieval, assignment, recognition and

storing software, but does show the use of a computing device in communication with

the first and second Web sites, and operated under the control of Web-browser

software. The computing device is responsible for requesting, retrieving and directing a

data request to either one of the Web sites in the abstract, lines 13-19, also, throughout the Hansen et al reference, Web software is used to track and identify visits.

However, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to specifically incorporate software to retrieve, assign, recognize and store data into the invention with the motivation of utilizing resources available in a Web browser computing environment to retrieve, assign, recognize, and store data.

Hansen does not specifically disclose Identifying a content group viewed by the visitor/Identification software to identify a content group viewed by the visitor, or storing the content group viewed by the visitor, but does disclose a content provider for providing content to a viewer in col. 6, lines 46-51.

However, Weinberg et al discloses:

Identifying a content group viewed by the visitor/Identification software to identify a content group viewed by the visitor, or storing the content group viewed by the visitor, (Col. 16, lines 9-14, shows user can filter the content on a web site according to content/service filters, which filter out the URLs of specific content types such as, for example, images or plain text). Weinberg et al discloses this limitation in an analogous art for the purpose of showing that content groups are used to filter types of information on a Web Page.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to identify a content group viewed by the visitor/Identification software to identify a content group viewed by the visitor, or storing the content group

viewed by the visitor with the motivation of showing that information on a Web site can be grouped via content.

As per claims 2, 24, 46, Hansen et al discloses:

retrieving the hit record from a log file, (col. 8,lines 39-41, log file).

As per claims 3, 25, Hansen et al discloses:

retrieving the hit record from the database, (col. 10, lines 1-3, shadow-directory database contains hit information).

As per claims 4, 26, Hansen et al discloses:

wherein recognizing visit information includes assigning the hit record to a visit, (Col. Col. 9, lines 16-18, visitor assigned a visitor tag with each new hit).

As per claims 5, 27, Hansen et al discloses:

wherein assigning the hit record includes selecting the visit based on an Internet Protocol (IP) address within the hit record and a time delta since a previous hit record with the IP address, (Col. 1, lines 63-66, shows that for each hit, a logfile can be maintained and the information collected in this file can include the host address of the visiting client and time of the hit, w/ col. 2, lines 24-26, shows that it is eventually evident that from the examination of a logfile, which hit corresponds to which visit).

As per claims 6, 28, Hansen et al discloses:

wherein assigning the hit record includes selecting the visit based on a cookie within the hit record and a time delta since a previous hit record with the cookie, (col. 8,lnes 13-19, cookie, w/ Col. 1, lines 63-66, shows for each hit, a logfile can be maintained and the information collected in this file can include the time of the hit).

As per claims 9, 31, 48, Hansen et al discloses:

the method further comprising extracting the visit information from a web-based form, (Col 12, lines 3-7, extracting).

As per claims 11, 33, 49, Hansen et al discloses:

the method further comprising eliminating inaccurate counting of visit information from the database, (Col. 8, lines 20-22, misuse of cookies).

As per claim 12, 34, Hansen et al discloses:

wherein eliminating inaccurate counting identifying an open visit, and deleting visit information derived from the open visit, (Col. 8, lines 13-23, disable cookie mechanism).

As per claims 13, 35, Hansen et al discloses:

the method further comprises storing the hit record in a database, (Col. 12, lines 12-16, storing the filtered hit records in a data storage device, in this case, the visit records are analogous to the filtered hit records since Hansen et al shows that a visit index is associated with each filtered hit record, and therefore each filtered hit record is specifically related to a visit. In addition, Hansen's method is related to building a database of information about visits as shown in col. 11, lines 28-29, therefore the step of storing in a storage device leads to the formation of the database structure);

eliminating inaccurate counting further includes regenerating visit information from the hit record in the database for the open visit, (Col. 7, lines 20-22, regeneration each time a Web site is altered).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to store the visit information in a database with the motivation of

providing a quick and efficient method to access network usage information.

As per claims 14, 36, Hansen et al discloses:

detecting an open visit in a current time slice; determining a corresponding visit in

an adjacent time slice; and adding visit information from the open visit to the

corresponding visit, (Col. 2, lines 21-30, records request chronologically).

As per claims 19, 41, Hansen et al discloses:

wherein retrieving a hit record includes filtering the hit record, (Col. 12, lines 3-7,

creating filtered hit record).

As per claims 20, 22, 42, 44, 50, Hansen et al discloses:

the method further comprising purging the visit information from the database/

further comprising purging the hit record from the database, (Col. 2, lines 61-7, Web

page giving a user access to usage information, in this case, the visit/hit record

information must be purged to the user in order for the user to access this type of usage

information.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to purge the visit/hit record information with the motivation of

allowing the release of this type of information to one who requests it.

As per claims 21, 43, 47, Hansen et al discloses:

further comprising storing the hit record in the database, (Col. 12, lines 12-16,

storing the filtered hit records in a data storage device).

As per claim 45, Hansen et al discloses:

a computer system, (Abstract, lines 13-19, computing system that implements method);

at least one hit record on the computer system, Col. 12, lines 1-2, using the method to retrieve raw hit records);

a database on the computer system, the database designed to store visit information derived from the hit record, (Col. 12, lines 12-16, storing the filtered hit records in a data storage device, in this case, the visit records are analogous to the filtered hit records since Hansen et al shows that a visit index is associated with each filtered hit record, and therefore each filtered hit record is specifically related to a visit. In addition, Hansen's method is related to building a database of information about visits as shown in col. 11, lines 28-29, therefore the step of storing in a storage device leads to the formation of the database structure).

means for deriving visit information from the hit record on the computer system, the visit information including at least one content group viewed by at least one visitor, (Col. 12, lines 10-12, associating a visit index with each filtered hit record, w/ col. 9, lines 30-32, where it is shown that when each new visitor record data structure is created, an index number is assigned to the visit);

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store the visit information in a database with the motivation of providing a quick and efficient method to access network usage information.

Hansen does not specifically disclose the visit information including at least one content group viewed by at least one visitor, but does disclose a content provider for providing content to a viewer in col. 6, lines 46-51.

However, Weinberg et al discloses:

The visit information including at least one content group viewed by at least one visitor, (Col. 16, lines 9-14, shows user can filter the content on a web site according to content/service filters, which filter out the URLs of specific content types such as, for example, images or plain text). Weinberg et al discloses this limitation in an analogous art for the purpose of showing that content groups are used to filter types of information on a Web Page.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to identify a content group viewed by the visitor/Identification software to identify a content group viewed by the visitor, or storing the content group viewed by the visitor with the motivation of showing that information on a Web site can be grouped via content.

As per claims 53, 56, Hansen et al discloses:

Assigning/assignment software to assign a name to the visit information, col. 9, lines 30-32, shows that when each new visitor record data structure is created, an index number is assigned to the visit);

Identifying a uniform resource locator (URL) and a parameter name for the value for the visit information/identification software to identify a uniform resource locator (URL) and a parameter name for he value for the visit information, (col. 5, lines 49-56,

when link on a page is selected, the requested URL is downloaded along with the

corresponding usage information);

Specifying/specification software to specify the URL and the parameter name as

a source of a value for the visit information, col. 12, lines 10-12, associating a visit index

with each hit record, w/ col. 5, lined 56-63, shows that click events for the requested

URLs are intercepted, and requests are then dispatched to the servers, w/col. 6, lines

26-31, shows requests are issued during a visit, therefore requests for URLs serves as

visit information, which therefore means that the requested URL downloaded along with

the corresponding usage information is specified to the servers as visit information); and

Storing/storage software to store the name of the visit information and the source

of a value for the visit information in a database, (Col. 12, lines 12-16, storing the filtered

hit records in a data storage device, in this case, the name of the visit information is

analogous to the visit index associated with filtered hit records, which is part of the

filtered hit record and therefore also stored. In addition, Hansen's method is related to

building a database of information about visits as shown in col. 11, lines 28-29,

therefore the step of storing in a storage device leads to the formation of the database

structure).

Hansen et al does not specifically disclose assignment, specifying and storing

software, but does show the use of a computing device in communication with the first

and second Web sites, and operated under the control of Web-browser software. The

computing device is responsible for requesting, retrieving and directing a data request

to either one of the Web sites in the abstract, lines 13-19, also, throughout the Hansen

et al reference, Web software is used to track and identify visits.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to specifically incorporate software to assign, specify, and store

data into the invention with the motivation of utilizing resources available in a Web

browser computing environment to assign, specify and store data.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to store the visit information in a database with the motivation of

providing a quick and efficient method to access network usage information.

As per claims 55, 58, Hansen et al discloses:

accessing the value for the visit information for a visitor, (Col. 12, lines 9-10,

distinguishing hit records according to the visit to which they belong, w . col. 9, lines 16-

18, visitor assigned visitor tag with each new hit); and

linking the visit information, the visitor, and the value for the visit information in

the database, col. 9, lines 23-32, visitor data structure created, hit added to the structure

and index number assigned to visit).

4.   Claims 8, 10, 30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hansen et al (US 6,182,097), and further in view of Weinberg et al, (US

5,974,572), and further in view of Dedrick (US 5,724,521).

As per claims 8, 30, neither Hansen et al, nor Weinberg et al disclose wherein

recognizing visit information includes identifying an advertising campaign that brought

the visitor to a business, but does disclose commercial Web servers that record client

requests, and generates a separate entry for each hit in col. 1, lines 60-63.

However, Dedrick discloses:

wherein recognizing visit information includes identifying an advertising campaign

that brought the visitor to a business, (Col. 18, lines 34-39, advertisement title). Dedrick

discloses this limitation in an analogous art for the purpose of showing that

advertisements are identified by the title, and used to determine if the advertisement

falls within a particular consumer scale for visiting the advertisement information.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to identify an advertising campaign that brought the visitor to a

business with the motivation of determining and storing which advertising campaign is

associated with a hit record.

As per claims 10, 32, neither Hansen et al, nor Weinberg et al disclose wherein

extracting the visit information includes identifying an amount of money spent during a

visit, but does disclose commercial Web servers that record client requests, and

generates a separate entry for each hit in col. 1, lines 60-63.

However, Dedrick discloses:

wherein extracting the visit information includes identifying an amount of money

spent during a visit, (Col. 11, lines 27-29, price of transaction). Dedrick discloses this

limitation in an analogous art for the purpose of keeping a record of what the customer

has spent for a transaction for the web content.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include identifying an amount of money spent during a visit with the motivation of determining money spent associated with a hit record.

5.   Claims 15-18, 37-40, 51, 52, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US 6,182,097), and further in view of Weinberg et al, (US 5,974,572), and further in view of Foote (US 6,065,068).

As per claims 15-17, 37-39, 52, neither Hansen et al nor Weinberg et al disclose the following, but Hansen et al does show the use of a computing device in communication with the first and second Web sites, and operated under the control of Web-browser software. The computing device is responsible for requesting, retrieving and directing a data request to either one of the Web sites in the abstract, lines 13-19.

However Foote discloses:

using a semaphore on the database for a time range; and releasing the semaphore after the visit information is stored/blocking an operation on the time range until the semaphore is released/using a semaphore ion the database; retrieving the visit information from the database; and releasing the semaphore after the visit information is retrieved, (Col. 5, line 60-Col. 6,line 9, semaphore request time, deny an access request). Foote discloses this limitation in an analogous art for the purpose of determining the times of subsequent access requests.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use a semaphore on the database for a time range; and

releasing the semaphore after the visit information is stored with the motivation of

setting a specific time range for accessing visit information.

As per claim 18, 40, 51, neither Hansen et al nor Weinberg et al disclose the

following, but Hansen et al does show the use of a computing device in communication

with the first and second Web sites, and operated under the control of Web-browser

software. The computing device is responsible for requesting, retrieving and directing a

data request to either one of the Web sites in the abstract, lines 13-19.

However Foote discloses:

Wherein storing the visit information further includes taking a snapshot of a

setting for a database for use in analyzing the visit information, (Col. 36, lines 37-39,

snap shot feature, in this case the snapshot captures the state of a module bank for

later use as a power up configuration, which is stored in a non-volatile memory,

therefore meaning, w/ col. 37, lines 13-25, shows analyzing by showing that the current

physical model [of the module bank] is downloaded, but IDs must first be determined as

equal). Foote discloses this limitation in an analogous art for the purpose of capturing

the state of a module bank for later use as a power up configuration.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to store the take a snapshot of a setting for a database with the

motivation of capturing visit information as it occurred.

Response to Arguments

6.   Applicant's arguments, see remarks, filed 7/25/06, with respect to claims 1-6, 8-

28, 30-53, 55-56 and 58 have been fully considered and are persuasive. The *35 USC*

§ *103* rejections of claims 1-6, 8-28, 30-53, 55-56 and 58 has been withdrawn.

Specifically, the Shapira (US 6,065,068) reference has been withdrawn.
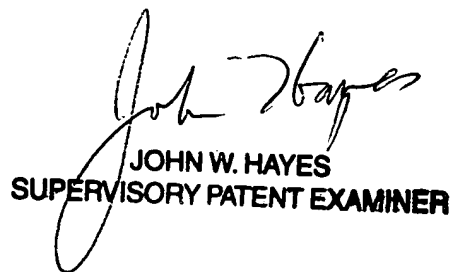
Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-746-7238

[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications],

and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R. B.
September 15, 2006

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER